(3) (1) (FINAL)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G)

W.P 1794 /2003

PETITIONER : Santosh Kumar Sahu, Age - 31 Yrs, S/O - Shri Laxman Prasad Sahu, Post - Lab Technician Address - C/o Vishwanath Sahu R/o Village - Surajpur, Masjidpara, Navapara, Distt - Sarguja , (C.G).

P.R. No. [redacted] by Shri Alok Pandey dated 16.06.03

VERSUS

RESPONDENTS : 1) State of Chhattisgarh , Through the Secretary Health Department D.K.S. Bhawan Raipur (C.G.)

2) Chief Medical and Health, Officer, Sarguja, Jila Chikitsalaya, Ambikapur , Sarguja

3) Jila Kusth Adhikari , Sarguja, Jila Chikitsalaya Ambikapur, Sarguja.

4) Collector, Sarguja (C.G.)

8/4/03

CERTIFIED COPY.

7/5 H.C. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUION OF INDIA

XI-HC-22

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/1724/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26.6.2003

Petitioner by Smt. Renu Kocher, Advocate.

State by Shri Sanjay K. Agarwal, Deputy Advocate General.

Heard.

By this petition under Article 226 of the Constitution of India the petitioner seeks to challenge the order dt. 18.9.2002 by which the petitioner's services were extended up to 31st December, 2002 and the same were terminated w.e.f. 1st January, 2003. As per the averments made in the petition the petitioner was selected and appointed on the post of Lab Technician vide order Annexure A/1 dated 30th September, 1994 under the terms and conditions laid down in the said order. The first condition was that the petitioner was appointed on contract basis for a period of three years, the second condition was to the effect that after giving one month's notice the employer or employee can terminate the contract and third condition was that the petitioner will not be entitled for any claim for continuation of his service and his services will automatically be terminated on the expiry of the agreement or completion of the project. Thereafter the petitioner continued to work on the same post however vide Annexure A/3 dt. 1.8.2002 the services of the

(25)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1194/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner's services were extended till March 2003 but vide Annexure A/6 dt. 18.9.2002 i.e. after one month 18 days the services were extended up to 31st December 2002 and in other term the services were terminated from 1st January, 2003 on account of the directions of Govt. of India that the Rashtriya Kushth Unmulan Karyakrim has been merged in General Health Services. Since the petitioner was appointed on contract basis for fixed period and the pre conditions of the appointment order clearly states that on expiry of the term of the appointment or completion of the project itself the services of the petitioner will be terminated automatically, which stands terminated by the impugned order. As the services of the petitioner was on contract basis I do not find any illegality in the impugned order in view of the terms and conditions on which the petitioner was appointed.

Learned counsel for the petitioner further argued that other candidates who were appointed on the same terms and conditions have been absorbed in some other services but the petitioner has not been given the same benefit. In view of this submission it is directed that if the petitioner makes a representation within a period of one month from today, concerned authority shall look into the matter and

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(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	if the services of the petitioner can be absorbed then they can consider his case for absorption / appointment. With the above observation this petition is disposed of. Certified copy as per Rules. In view of the above order I.A.No. 5395/2003 stands disposed of. Sd/- L.C. Bhadoo Judge	